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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,615	03/29/2004	David Django Dexter	157972-0010	3194
1622	7590	11/01/2005		
IRELL & MANELLA LLP 840 NEWPORT CENTER DRIVE SUITE 400 NEWPORT BEACH, CA 92660			EXAMINER SAETHER, FLEMMING	
			ART UNIT 3677	PAPER NUMBER

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/812,615	Applicant(s) DEXTER ET AL.	
	Examiner Flemming Saether	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 27-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restriction

Applicant's election of group I, the article of claims 1-27 is acknowledged.

Claims 28-30 are therefore withdrawn.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the combination of the ring with the actuator arm and solid object as well as the bevel being between 60 and 85 degrees must be shown or the features canceled from the claims. No new matter should be entered. Applicant is reminded that drawing corrections must be submitted as replacement sheets.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the claims, it is unclear the intended limitation of the first and second segments because each of the first and second segments are defined by a radius rotated about a different origin but, with the second radius being larger, it would not be possible for the first radius to form any part of the interior contour other than a point where the two radius meet. In other words, the second larger radius

is in fact not a radius especially not one which is rotated because as it diverges from the first radius near the ends of the clip it would be continually variable both in length and point of origin. Simply put, the second radius does not from a circle at the location other than where it is coincident with the first radius thus it is unclear how it can have a different origin and/or reach. In claims 6 and 19, there is no antecedent for the contact with the solid object. In claims 7 and 20, it is unclear what is intended by a "die roll" since it is not a term recognized in the snap ring art. In claims 8 and 21, the tooling hole is indefinite since it does not form any part of the snap ring. In claims 11-13 and 24-26, there is no antecedent for "the thickness" or "vertical axis". The claims were examined as best understood.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 5, 14, 17, 18 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Toh (US 6,856,485). Toh discloses an actuator arm assembly and snap ring (32). Since the claims do not require the first and second radii to be different, the

snap ring is read as having a first and a second radius segments simply at different location of the interior contour of the opening (for example, one the left side and the other the right side as seen in Fig. 4). The segments having a smooth transition and the first segment is at least 50% of the interior contour. Lastly, the at least the gripper holes (at 33) would form a means for spreading the interior.

Claims 1-8, 10, 12, 13 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Heimann (US 2,595,787). In the embodiment of Fig. 7, Heimann discloses a snap ring (45) comprising first (y') and second (46) segments wherein each segment includes a different, by a non-zero amount, radius in both origin and reach with the reach of the radius forming the second segment exceeding that of the first segment. The first and second segments join without a distinct step (at 48) in regards to claim 4, the first segment is read as the segment labeled 46 thus forming the at least 50% of the interior contour. At least the gripper holes (at 49, 49') provide a means for spreading and since the claims are directed to a "snap ring", the engagement with another solid object is considered an intended use. The snap ring includes a blunted profile in the form a bevel (60a) which, since the claims are not specific as to a reference point, is considered within the claimed ranges and the opposite regarded as including a "die roll". In regards to claim 8, since the claim is not specific as to the location of the "point" and the "other place" the locations could be selected could be selected to meet the requirements of the ratio.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heimann as applied to claims 1, 2, 6 and 7 above, and further in view of Cross (US 4,195,944). Heimann disclose the snap ring may be provided with a blunted profile (60c) but, does not disclose it to be a rounded profile with a radius of curvature with the claimed range. Cross discloses a snap ring (12) provided with a rounded profile (20). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the device of Heimann with a rounded profile as disclosed in Cross in order to facilitate the movement of a shaft within a snap ring as discussed in Cross.

Claims 14-21, 23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toh (US 6,856,485) in view of Heimann (US 2,595,787). Toh discloses an actuator arm comprising an actuator (29), an actuator pivot bearing (31) and a snap ring (32) but, does not disclose the specifics of the snap ring a claimed. Heimann discloses a snap ring having the features as described above. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the snap ring of Toh with the one as disclosed in Heimann because the snap ring of Heimann would provide a superior connection by being held tightly throughout

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the full arcuate length and would be easier to install by being readily shifted over the shaft (see Heimann, the bridging columns 3 and 4).

Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toh in view Heimann as applied to claims 14, 15, 19 and 20 above, and further in view of Cross. As discussed above, Cross discloses a snap ring (12) provided with a rounded profile (20). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the device of Toh as modified by Heimann with a rounded profile as disclosed in Cross in order to facilitate the movement of a shaft within a snap ring as discussed in Cross.

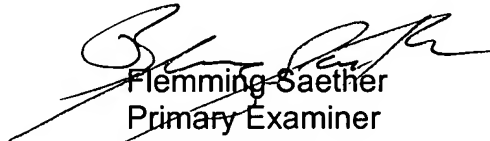
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Flemming Saether
Primary Examiner
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